



Andrew Wheeler
Administrator,
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Sent electronically April 28, 2020

RE: Dicamba Registration Decision

Dear Administrator Wheeler:

The Association of American Pesticide Control Officials (AAPCO) was formed in 1947, the same year that Congress enacted the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). AAPCO is a professional association comprised of the officers charged by law with the execution of the state, territorial, provincial, and federal pesticide laws in the United States, including all its territories, and in Canada. The Environmental Protection Agency (EPA) and States are co-regulators in the implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Our mission is to represent state pesticide control officials in the development, implementation, and communication of sound public policies and programs related to the sale, application, transport, and disposal of pesticides.

Given the impending decision on the conditional registration of Xtendimax with VaporGrip Technology (EPA Reg. No. 524-617), Engenia (EPA Reg. No. 7969-345), FeXapan with VaporGrip Technology (EPA Reg. No. 352-913) and Tavium Plus VaporGrip Technology (EPA Reg. No. 100-1623) and also with other potential registration decisions involving the registration of dicamba for the over-the-top (OTT) use on genetically modified crops for the 2021 growing season and beyond, AAPCO offers the following comments.

Mandatory annual product-specific applicator and handler training and other product stewardship activities conducted by product registrants, pesticide state lead agencies, the Cooperative Extension Service, university weed scientists, and other stakeholders since the introduction of these products in 2016-2019 have not been successful in significantly reducing the incidents of off-target movement in the major soybean producing states.

Exhaustively detailed and specific drift management restrictions on the current labels of these products have not been successful in normalizing the incidence of off-target movement of dicamba to a reasonable level comparative with other herbicide applications, including the application of older formulations of dicamba. Some of the more critical drift management requirements on the label, including: 1) precise and continuous wind speed and direction monitoring throughout an entire application; 2) field level prediction and measurement of temperature inversion conditions; 3) extensive application equipment cleaning; 4) identifying all sensitive downwind crops and plants; and 5) determining how far damaging levels of dicamba may move from the target site, are not technically feasible or practical for many dicamba applicators, regardless of the applicator's level of training and competency.

Several attempts by U.S. EPA to refine label use restrictions on the dicamba products beyond the 2017 and 2018 restrictions have not markedly mitigated the incidence of off-target movement in most major soybean producing states. It appears that the U.S. EPA is unwilling or unable to recognize and react to the fact that these products have not been adequately labeled to minimize adverse effects from occurring in most of the nation's top soybean producing states.

University research conducted since 2016 for some of these products is demonstrating or suggesting the following: 1) some common label-permitted tank mixes may increase volatility of applications of these products; 2) application of these products to low pH soils may increase the likelihood of post application volatility and off-target movement; 3) field level temperature inversions are more common than previously realized by pesticide applicators and are difficult to measure and document with any precision; and 4) some glyphosate resistant weed species are also developing resistance to dicamba.

States have spent millions of dollars investigating dicamba complaints. This level of resource drain over the last three years has far exceeded the meager level of enforcement funding provided to impacted state programs through pesticide cooperative agreements. Additionally, states have been forced to ignore other pesticide regulatory obligations and commitments in an effort to respond to and address this all-consuming priority. Worker Protection Standard inspections, routine compliance inspections and working towards full compliance with the new federal certification and training regulation are just a few of the federally identified pesticide priorities that have been forced to take a back seat to dicamba off-target movement response.

AAPCO supports the following as EPA moves toward a 2021 registration decision:

1. Registrations should be conditional on a year by year basis.
2. Labels should prohibit over the top (OTT), post emergent soybean applications. Based on application dates of dicamba complaints investigated by the major soybean producing states in 2017 through 2019, prohibiting OTT applications could greatly reduce dicamba complaint investigations. Prohibiting OTT applications via the labels would also allow states the opportunity to submit legal Special Local Needs (24c) labels in order to meet their specific needs. AAPCO stands ready to assist states in those efforts.

The money, time and effort that AAPCO and impacted states have expended is unprecedented and not sustainable. AAPCO requests that our suggestions be seriously considered as the agency moves forward in making these registration decisions.

Leo A. Reed, President
AAPCO

CC: Chief of Operations, Mandy Gunasekara
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